IN THE HIGH COURT OF JUDICATURE AT PATNA
Cr.Misc. No.27327 of 2008
SANTOSH KUMAR
Versus
THE STATE OF BIHAR
WITH
Cr.Misc. No.27964 of 2008
RAKESH KUMAR
Versus
STATE OF BIHAR

3/ 11.08.2008 Since both the above bail applications have arisen out of one occurrence i.e. Gandhi Maidan P.S. Case No. 422 of 2007 they have been heard together and are being disposed of by this common order.

These two petitioners along with others were named accused of a case which has been registered under Sections 8, 21, 27 (A), 29, 32 (B) of the N.D.P.S. Act. In course of search police apprehended petitioner Rakesh Kumar, Amar Kumar @ Abhishek Kumar and Vidyarthi Kumar, from possession of Rakesh Kumar 450 gms of brown sugar were seized. Nothing has been seized from other accused persons.

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Submission of behalf of petitioner Rakesh Kumar is that nothing has been recovered from his possession. Other similarly situated accused persons are on bail.

On behalf of Santosh Kumar, it is submitted that he is in custody since 09.07.2007 and report of Ghazipur laboratory where the seized article was also sent has been received by the Court showing that the sample did not answer positive. The recovery is not of commercial quantity.

Considering the analytical report of Ghazipur laboratory, petitioners Santosh Kumar (in Cr. Misc. No. 27327 of 2008) and Rakesh Kumar (in Cr. Misc. No. 27964 of 2008) are ordered to be released on bail

on furnishing bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the Additional Sessions Judge-IX, Patna as Special Case No. 51 of 2007 in connection with Gandhi Maidan P.S. Case No. 422 of 2007.

kksinha/ **(Shyam Kishore Sharma, J.)**

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